UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,600	09/23/2003	Abhay Arvind Joshi	030350	5676

23696 7590 05/18/2007
QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER	
JUNTIMA, NITTAYA	
ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
05/18/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com
kascanla@qualcomm.com
nanm@qualcomm.com

Office Action Summary	Application No.	Applicant(s)	
	10/669,600	JOSHI ET AL.	
	Examiner	Art Unit	
	Nittaya Juntima	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/4/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 6-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 11/182,086.

Regarding claim 6-7, although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter claimed in the instant application is disclosed in the copending application. Claim 6 of the instant application discloses a method for resynchronizing a PPP session that has been initiated between a first network and an access terminal AT, comprising determining whether the AT has entered the coverage area of a second

network, transmitting a LCP packet, receiving a second LCP protocol packet; comparing a value in the second LCP protocol packet with a stored value, and if the value in the second LCP protocol packet is not the same as the stored value, then resynchronizing the PPP session as specified in claim 8 of the copending application. However, claim 6 of the instant application broadens the scope of claim 8 of the copending application by eliminating the function/the step of the claim (e.g., the condition "if a zombie PPP states exists on the new coverage area" to be used in the determination of initiating a PPP resynchronization) and by replacing "a new coverage area," "an Echo-Request Link Control Protocol (LCP) packet," and "an Echo-Reply LCP packet" with "the coverage area of a second network", "a Link Control Protocol (LCP) packet" , "a second LCP protocol packet," respectively. It would have been obvious to one skilled in the art at the time of the invention to make theses modifications because it has been held that the omission of a function that is not needed would be obvious to one skilled in the art, Ex parte Rainu, 168 USPQ 375 (Bd.App. 1969) and any type of name can be used to identify the coverage area and LCP packets as long as they perform the same function. In addition, claim 6 of the instant application does not disclose that the LCP packets contains a "PPP Magic Number." This is disclosed in claim 7 of the instant application.

3. Claim 8 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 9 of copending Application No. 11/182,086.

Claim 8 of the instant application discloses an apparatus for resynchronizing a PPP session that has been initiated between a first network and an access terminal AT, comprising memory element, processing element, the set of instructions for determining whether the AT has

entered the coverage area of a second network, transmitting a LCP packet, receiving a second LCP protocol packet, comparing the values, and if the values are not the same, then resynchronizing the PPP session as specified in claim 9 of the copending application. However, claim 8 of the instant application broadens the scope of claim 9 of the copending application by eliminating the function/the step of the claim (e.g., the condition "if a zombie PPP states exists on the new coverage area" to be used in the determination of initiating a PPP resynchronization and associating the stored PPP magic number with a PDSN of the first network) and by replacing "a new coverage area," "an Echo-Request Link Control Protocol (LCP) packet," "an Echo-Reply LCP packet," and "PPP Magic Number" with "the coverage area of a second network," "a Link Control Protocol (LCP) packet ", "a second LCP protocol packet," and "magic number," respectively. It would have been obvious to one skilled in the art at the time of the invention to make theses modifications because it has been held that the omission of a function that is not needed would be obvious to one skilled in the art, Ex parte Rainu, 168 USPQ 375 (Bd.App. 1969) and any type of name can be used to identify the coverage area, LCP packets, and magic number as long as they still perform the same function. In addition, claim 8 of the instant application is also different from claim 9 of the copending application in the execution of the set of instructions is performed by the processing element, not memory as specified in claim 9 of the copending application. It would have been obvious to one skilled in the art to make the modification such that the memory element of claim 8 of the instant application would execute the instructions for faster processing time since the instructions can be retrieved locally.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Drawings

4. The drawings are objected to because:

- in Fig. 2, a text labeled as "Location Update Protocol is supported" should be added next to a line branching from element 202 to element 204, and a text labeled as "Location Update Protocol is not supported" should be added to a line branching from element 202 to element 206 in order to make the drawing and the entire process more understandable and consistent with the disclosure on paragraphs 28 and 29.

- in Fig. 3, similar to Fig. 2, a text labeled as "No match" should be added next to a line branching from element 306 to element 308, and a text labeled as "Match" should be added next to a line branching from element 306 to element 310, see paragraph 33.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

- on page 2, line 9, the status of the co-pending application should be updated.

Appropriate correction is required.

Claim Objections

6. Claim 8 is objected to because of the following informalities:

- in claim 8, line 5, "store" should be changed to "stored."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, the limitation "the Location Update Protocol" lacks antecedent basis;

line 11, the limitation "the new network" lacks antecedent basis.

In claim 4, line 5, the limitation "the Location Update Protocol" lacks antecedent basis;

line 10, the limitation "the new network" lacks antecedent basis.

In claim 5, line 8, the limitation "the Location Update Protocol" lacks antecedent basis;

line 13, the limitation "the new network" lacks antecedent basis.

In claim 6, there is no association/linkage between the step of determining whether the AT has entered the coverage area of a second network and the rest of the method steps. It is unclear why the determination of entering the coverage area of the second network is needed? And what happens if the result of the determination is positive or negative? Therefore, the claim is vague and indefinite.

In claim 8, similar to claim 6, there is no association/linkage between the step of determining whether the AT has entered the coverage area of a second network and the rest of the set of instructions. Therefore, the claim is vague and indefinite.

Allowable Subject Matter

8. Claims 1, 4, and 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6,424,639 B1, disclosing a method of resynchronizing the PPP session using LCP Configuration Request packet (Abstract, Figs 3 and 4 and col. 7, lines 31-62).
- US 6,822,952 B2, disclosing a method of maintaining packet data connectivity in a

wireless communications network (Abstract, Fig. 4, col. 7, lines 37-47, 63-col. 8, lines 1-3).

- US 6,377,556 B1, disclosing a method for resynchronize PPP (Abstract, Figs. 4 and 6).

- US 2002/0181510 A1, disclosing a method and apparatus for resynchronization of a PPP link (Abstract, Figs. 4-7).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nittaya Juntima
Patent Examiner
May 1, 2007